

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JEAN L. THOMAS BRUCE, et al.,

Plaintiffs,

v.

**NATIONSTAR MORTGAGE formerly
known as Centex Home Equity,**

Defendant.

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Civil Action No. 3:13-CV-3019-M-BH

Referred to U.S. Magistrate Judge

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made by the Defendant, the Plaintiffs having made no objections, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Since Plaintiffs have not filed an amended complaint as allowed by the recommendation, *Defendant's Motion to Dismiss and Brief in Support*, filed September 16, 2013 (doc. 9), is **GRANTED**. Plaintiffs' claims against Defendant for violations of the FDCPA and ordinary negligence are **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted. Remaining for trial are Plaintiffs' claims for negligence *per se*, negligent misrepresentation, common law fraud, and suit to quiet title. As to those claims, Defendants may, if they choose, file a second Motion to Dismiss.

SIGNED this 10th day of June, 2014.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS